UNITED STATES PATENT AND TRADEMARK OFFICE
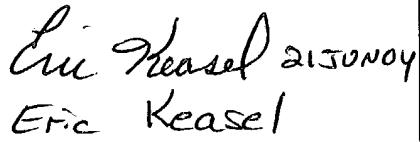
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,338	11/02/1999	KLAUS ZIMMERMANN	10191/1157	9914

26646	7590	06/23/2004

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER
KEASEL, ERIC S

ART UNIT	PAPER NUMBER
3754	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/432,338	ZIMMERMANN ET AL.
	Examiner	**Art Unit**
	Eric Keasel	3754

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a
final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in
condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued
Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no
event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP
706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under
37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in
(b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the
issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: *the change in scope to claim 86 would require further consideration*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment
canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the
application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly
raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an
explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *83-90*.

Claim(s) withdrawn from consideration: *8-82*.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Eric Keasel 21JUN04
Eric Keasel

Continuation of 5. does NOT place the application in condition for allowance because: of the reasons set forth in the final rejection. Re the rejections under 112 1st and 2nd paragraph, the originally filed application disclosed an iterative process that started with an initial time window and either increased or reduced the duration of the time window if the current was below or above a threshold value. This iterative process is what defined the duration of the time window. The newly presented claims recite this defining as separate and distinct from the reducing (and the increasing in dependent claims). This is a deviation from the originally filed application. If applicant meant to recite that the defining step includes the iterative steps of reducing and increasing, then the claims are indefinite as this is not clearly set forth in the claims. Re Rehbichler, applicant argues that Rehbichler does not disclose reducing the duration of the time window if the current exceeds a threshold value. The examiner disagrees. Rehbichler not only discloses this limitation, Rehbichler discloses how it is done (i.e. by opening the switch). Re Fischer, applicant appears to be reading limitations into the recited "threshold value". Fischer's disclosed threshold value is different from applicant's disclosed threshold value. However, the claim limitation "threshold value" does not distinguish over Fischer.